

OFFICE OF THE  
ATTORNEY GENERAL  
DON SIEGELMAN  
ATTORNEY GENERAL  
MONTGOMERY, ALABAMA 36130  
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STATE OF ALABAMA

91-00038

OCT 26 1990

Honorable J. P. Maxwell, Jr.  
City Clerk  
P. O. Box 368  
Brewton, AL 36427

Municipalities - Mayors -  
Utility Boards - Compensation -  
Conflicts of Interest

Under Code of Alabama 1975,  
§ 11-43-80(c), Mayor of Brewton  
may also serve as full-time  
superintendent of gas and  
utilities systems and may be  
paid for both positions. Mayor  
may, however, be simultaneously  
employed as director of county  
hospital pharmacy only if his  
work as director of pharmacy is  
performed outside normal  
working hours of his position  
as full-time superintendent of  
gas and utilities systems and  
does not conflict in any way  
with his fulfilling duties as  
superintendent of gas and  
utilities systems.

Dear Mr. Maxwell:

This opinion is issued in response to your request for an  
opinion from the Attorney General.

QUESTION

May the Mayor of Brewton, who serves on a  
part-time basis, also serve as the full-time

superintendent of the gas and utility systems of the City of Brewton and be paid for both positions, and may he also be employed by the Escambia County Health Care Authority (D. W. McMillan Memorial Hospital) as director of the pharmacy?

#### FACTS AND ANALYSIS

Code of Alabama 1975, § 11-43-80(c) provides specific authority for an incorporated utility board to employ the mayor to act as superintendent for one or more utility systems and to set his salary for part-time service at not more than \$600 per month or for full-time service at not more than \$1,200 per month. Section 11-43-80 further states that said salaries are to be paid in addition to the salary as mayor. In light of said statutory authority, the Mayor of Brewton may also serve as full-time superintendent of the city's gas and utility systems and may be paid a salary of \$1,200 per month in addition to the salary he receives as mayor.

With regard to that portion of your question concerning whether the mayor may, in addition to his duties as mayor and full-time superintendent of the city's gas and utility systems, also be employed by the Escambia County Health Care Authority as director of the D. W. McMillan Memorial Hospital pharmacy, it is the opinion of this office that the mayor may hold this job only if his work as director of the pharmacy is performed outside the normal working hours of his position as full-time superintendent of the gas and utilities systems and does not conflict in any way with his fulfilling his duties as superintendent of the gas and utilities systems.

Finally, any questions concerning interpretation of the state ~~ethics~~ law should be addressed to the State Ethics Commission.

#### CONCLUSION

Under Code of Alabama 1975, § 11-43-80(c), the Mayor of Brewton may also serve as full-time superintendent of the gas and utilities systems and may be paid for both positions. The mayor may, however, be simultaneously employed as director of the county hospital pharmacy only if his work as director of the pharmacy is performed outside the normal working hours of


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his position as full-time superintendent of the gas and utilities systems and does not conflict in any way with his fulfilling his duties as superintendent of the gas and utilities systems.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN  
Attorney General  
By:

  
JEAN WILLIAMS BROWN  
Assistant Attorney General

DS/JWB/jho

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